

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-7587

MIN HU,

Petitioner - Appellee,

versus

JOHN ASHCROFT, Attorney General, Department of
Justice; DOUGLAS C. DEVENYNS, Warden, Wicomico
County Detention Center,

Respondents - Appellants.

Appeal from the United States District Court for the District of
Maryland, at Baltimore. Catherine C. Blake, District Judge. (CA-
01-981-CCB)

Submitted: February 19, 2004

Decided: March 26, 2004

Before WILKINS, Chief Judge, MICHAEL, Circuit Judge, and HAMILTON,
Senior Circuit Judge.

Dismissed, vacated, and remanded by unpublished per curiam opinion.

Robert D. McCallum, Jr., Assistant Attorney General, Civil
Division, Emily Anne Radford, Assistant Director, Michele Y. F.
Sarko, Attorney, Office of Immigration Litigation, Civil Division,
UNITED STATES JUSTICE DEPARTMENT, Washington, D.C., for Appellants.
Thomas A. Elliot, Fabienne Chatain, ELLIOT & MAYOCK, Washington,
D.C., for Appellee.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

This case concerns the Government's* continuing authority to detain Min Hu without a bond hearing pursuant to 8 U.S.C.A. § 1226 (West 1999), which governs the detention of an alien "pending a decision on whether the alien is to be removed from the United States." The Government appeals a district court order holding that such detention was unconstitutional and directing the Government to provide Hu with a bond hearing before an immigration judge. Because the parties agree, in light of recent events, that this case and appeal are moot, we dismiss the appeal, vacate the district court order, and remand to the district court with instructions to dismiss the case. See *Arizonans for Official English v. Arizona*, 520 U.S. 43, 80 (1997). In so doing, we take no position on the merits of the Government's appeal.

DISMISSED, VACATED, AND REMANDED

* Hu filed a petition for habeas corpus in which he named as Respondents the United States Immigration and Naturalization Service ("INS"), United States Attorney General John Ashcroft, INS Commissioner James W. Ziglar, District Director Louis D. Crocetti, Jr., of the Baltimore District of the INS, and Warden Douglas C. Devenyns of the Wicomico County Detention Center. We refer to Respondents as "the Government."